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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,811	10/18/2005	Tibor George Csicsatka	PU030124	7798

24498 7590 08/02/2010

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EXAMINER	
MCCORD, PAUL C	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,811	CSICSATKA ET AL.	
	Examiner	Art Unit	
	PAUL MCCORD	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/19/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 7-9, 15, 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Barbara et al. (US Patent 5926789 hereinafter Bar) further in view of Platt (US Patent 6987221.)

5. Regarding claim 1, 8, 15

Bar teaches:

A method of compiling a list of digital audio data files using a digital audio data player (Bar: Abstract: Column 6, lines 53-60), the method comprising the steps of:

enabling a user to select a set of digital audio data files for potential inclusion in the list via a user input device associated with the digital audio data player (Bar: Col 4, l. 1-7 Figure 3, 5: A user navigates to a hyperaudio directory comprising a plurality of links to complete audio files);

automatically playing sequentially, an audio clip from each one of the user-selected set of digital audio data files via an audio output device associated with the digital audio data player (Bar: Col 3, l. 34, 35, Col 4, l. 63-65; Fig 3, 5: a user navigates to a directory of hyperlinked audio comprising previews of audio tracks which are automatically played sequentially);

detecting whether a user input is received via the user input device while each one of the audio clips is being played (Bar: Col 6, l. 1-14: user may operate on an audio track at any time while the track is playing); and

including identifying data for the digital audio data file associated with a currently playing audio clip in the list in response to detecting the user input while the currently playing audio clip is being played (Bar: Col 6, l. 53-60; Col 9, l. 15-25: identifying data for a digital file such as the name of the hyperlink pointing to the current audio data is included in a list upon detection of a user input in the form of a preset command).

Bar does not explicitly teach adding audio files to a playlist.

In a related field of endeavor Platt teaches:

a system and method for compiling a playlist using a digital audio player in which a user may select a set of stored digital audio files for potential inclusion in a playlist via user input to a user input device (at least in the form of clicking the "ADD" button of

Figure 4) in concert with a processor controlled system functional to operate a user interface operable to compile the playlist of audio files as well as decode and reproduce the audio files (though the Fig 15 depicted audio card, output port or output device such as a speaker.) The Platt system and method builds a playlist not merely through the inclusion of media items by a user's input of agency through an "ADD" button, but also through inclusion of media items with substantially similar identifying data, in either case incorporating the identifying metadata into the playlist. User selection drives the Platt system and method through the operation and selection of menus in a user interface driven computing environment, whereby a user can select and preview a file or multiple files (Platt: Fig 4) While Platt describes a method for automatically generating a playlist in a media player in the above manner, Platt also allows that further operative permutations of the components disclosed are possible. (Platt: Col 18, l 24-38)

It would have been obvious to one of ordinary skill in the art at the time of the invention to operate an interface such as that taught or suggested by Platt within the Bar system and method. The average skilled practitioner would have been motivated to utilize a known technique such at the interface of Platt to improve a similar system for browsing media as taught or suggested by Bar The average skilled practitioner would have expected such a combination to yield predictable results.

6. Regarding claim 7, 9, 16

Bar in view of Platt teaches or suggests a controller allowing inclusion of identifying data to a user selectable list of digitally encoded audio data files of a plurality

of playlists of digitally encoded audio data files. (Platt: Col 7, l. 37-50; Fig 4: save button **470** causes the current playlist to be saved; a playlist can be saved and opened)

7. Claims 2-5, 10-13, 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bar in view of Platt as applied to claims 1, 8, 15 above and further in view of Heo (US Patent 7046588.)

8. Regarding claim 2-5, 10-13, 17-20

Platt teaches that an audio data file can contain an ID3 tag for associating various metadata with an audio file. (Platt: Col 4, l. 24-37) ID3 metadata is well known to include user definable metadata for sorting and organizing media files such as genre, artist, title, etc.

Heo teaches a method and apparatus for reproducing portions of an audio selection or selection comprising **wherein each audio clip is taken from a predetermined portion of its associated audio data file that is selectable by the user,** or **wherein each audio clip is taken from a portion of its associated audio data file,** (Col 4, l. 38-46), **.** (Col 4, l. 38-46) Users can designate a desired portion or duration of a set of audio files to function as a clip or highlight thereby predetermining a portion of data that will be reproduced. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow user designation of a highlight or clip as disclosed by Heo in the Bar in view of Platt method of assembling a playlist. It would have been further obvious to store said designating information in an ID3 tag or associate said designating information with mood, genre, tempo or any other associated metadata. The average skilled practitioner would have been motivated to utilize the known techniques

taught by Heo to improve a similar system for browsing media as taught or suggested by Bar in view of Platt. The average skilled practitioner would have expected such a combination to yield predictable results.

9. Claims 6, 14, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Bar in view of Platt as applied to claims 1, 8, 15 above and further in view of Novelli et al. (US PGPub 2003/0144918.)

10. Regarding claim 6, 14, 21

Bar in view of Platt does not explicitly teach allowing a music file to continue playing until a user selects to add or skip the associated audio data file to a playlist.

In a related field of endeavor Novelli teaches a music marking system for electronically notating music selections. (Novelli: Abstract) Novelli discloses that the optimum time for a user to interact with a media file is during reproduction (Novelli: section [0004], [0041], [0065].) Novelli further discloses storage of interaction reference information during playback of a media file. It would have been obvious to one of ordinary skill in the art at the time of the invention to operate the Platt disclosed "ADD" button during playback of a media file as taught by Novelli, thereby indicating preference on the part of the user to include a media item in the Bar in view of Platt playlist. The average skilled practitioner would have expected such a combination to yield predictable results.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 8, 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (Please see form PTO-892.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL MCCORD whose telephone number is (571)270-3701. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. M./
Examiner, Art Unit 2614

/Suhan Ni/

Primary Examiner, Art Unit 2614